

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

February 17, 2003

There were no minutes for this date.

February 18, 2003

At 9:35 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Rios, Bailiff. Calendar called.

C036370 THE PEOPLE v. FURR

Cause called. Charles M. Bonneau, argued for appellant and submitted additional citations. Catherine B. Chatman, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:59 a.m., the court recessed. At 10:02 a.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Robie, Associate Justice.

C037451 THE PEOPLE v. MCDANIEL

Cause called. George L. Schraer court appointed counsel, argued for appellant. Maureen A. Daly, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:30 a.m., the court recessed. At 10:33 a.m., the court reconvened with Blease, Associate Justice; Callahan, Associate Justice; and Robie, Associate Justice.

C039755 THE PEOPLE v. HESS

Cause called. Eileen S. Kotler, court appointed counsel, argued for appellant. James Ching, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:02 a.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Hull, Associate Justice.

C040586 EMPLOYERS INSURANCE OF WAUSAU v. LISA MOTOR LINES, INC. et al.

Cause called. Robert N. Paige argued for appellant. J. Anthony Abbott argued for respondent. Cause submitted.

At 2:15 p.m., the court recessed. At 2:19 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Raye, Associate Justice.

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February 18, 2003, continued

C039619 THE PEOPLE v. DIXON

Brendon Ishakawa, court appointed counsel, argued for appellant.
Catherine G. Tennant, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed at 2:50 p.m. until 9:30 a.m., Wednesday, February 19, 2003.

C038731 THE PEOPLE v. STEWART, JR. (Not for Publication)

The appeal is dismissed.

KOLKEY, J.

We concur: Davis, Acting P.J.
 Morrison, J.

C039631 THE PEOPLE v. CHISM (Not for Publication)

We reverse the convictions on counts 5 and 7, vacate the sentences on those two counts, and lift the stay imposed pursuant to Penal Code section 654 on the sentence on count 9. In all other respects, we affirm the judgment and sentence. The clerk of the superior court is ordered to prepare and forward to the Department of Corrections a corrected abstract of judgment modifying the sentence.

BLEASE, Acting P.J.

We concur: Davis, J.
 Callahan, J.

C039703 THE PEOPLE v. THOMPSON (Not for Publication)

The judgment is modified to impose a criminal laboratory analysis fee of \$50 (Health & Saf. Code § 11372.5), a state penalty assessment fee of \$50 (Pen. Code § 1464) and a county penalty assessment fee of \$35 (Gov. Code, § 76000). Except as modified, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

KOLKEY, J.

We concur: Sims, Acting P.J.
 Nicholson, J.

C039992 THE PEOPLE v. HECKENLIABLE (Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Callahan, J.
 Robie, J.

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C040030 THE PEOPLE v. SHOEMAKER, JR. (Not for Publication)

The judgment is affirmed.

KOLKEY, J.

We concur: Scotland, P.J.

Robie, J.

C040321 THE PEOPLE v. SIDES (Not for Publication)

As to count IV, the judgment is reversed. The trial court shall prepare a new abstract of judgment deleting this conviction and making corrections as directed in parts VI and VII of this opinion, and to furnish a certified copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

SIMS, J.

We concur: Blease, Acting P.J.

Morrison, J.

C041152 THE PEOPLE v. BUSH (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Callahan, J.

Robie, J.

C038855 THE PEOPLE v. ARRIAGA et al.

BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

February 19, 2003

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present were Nicholson, Associate Justice; Raye, Associate Justice; Hull, Associate Justice; and Guzman, Bailiff. Calendar called.

C039379 CASSIDY v. CASSIDY, as Successor Trustee, etc.

Cause called. Patrick A. Cassidy argued In Pro Per as appellant. James B. Carr argued for respondent. Cause submitted.

C039490 CASSIDY et al. v. MURATORE et al.

Cause called. Bonita Cassidy argued In Pro Per as appellant. Patrick A. Cassidy appeared only as appellant. Michael R. Mordaunt argued for respondent. Cause submitted.

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At 10:10 a.m., the court recessed. At 2:00 p.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Kolkey, Associate Justice.

C037903 CASSIDY v. CASSIDY

Cause called. Patrick A. Cassidy, argued In Pro Per as appellant. James B. Carr argued for respondent. Cause submitted.

C038893 CASSIDY v. KONIG et al.

Cause called. Bonita K. Cassidy argued In Pro Per as appellant. Patrick A. Cassidy appeared only as appellant. Peter Fortune argued for respondent. Cause submitted.

At 2:23 p.m., the court recessed. At 2:27 p.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Callahan, Associate Justice.

**C040450 NEIGHBORS OF CAVITT RANCH et al. v. COUNTY OF PLACER and
BAYSIDE COVENANT CHURCH**

Cause called. William D. Kopper argued for appellants. J. Michael Stusiak argued for respondent Bayside Covenant Church. Valerie D. Flood appeared only for respondent County of Placer. Cause submitted.

At 3:00 p.m., the court recessed. At 3:03 p.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Callahan, Associate Justice.

C038500 THE PEOPLE v. WILSON

Cause called. Madeline McDowell, court appointed counsel, argued and submitted additional citations for appellant. Robert K. Gezi, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:30 p.m., the court recessed until 9:30 a.m., Thursday, February 20, 2003.

C038687 THE PEOPLE v. FORD

(Not for Publication)

The judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
Callahan, J.

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- C039293 THE PEOPLE v. FITZGERALD (Not for Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We concur: Hull, J.
Kolkey, J.
- C039711 THE PEOPLE v. SANDERS (Not for Publication)**
The prior prison term enhancement as to Count 1 is stricken. The court also is directed to correct the abstract of judgment to reflect that defendant was convicted of Counts 1 and 2 by jury rather than by plea. The trial court is directed to prepare an amended abstract of judgment which reflects these modifications. The court is directed to forward a certified copy of the corrected abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.
SIMS, Acting P.J.
We concur: Callahan, J.
Robie, J.
- C041097 THE PEOPLE v. VAN EK (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We concur: Sims, Acting P.J.
Nicholson, J.
- C041321 THE PEOPLE v. CRUZ (Not for Publication)**
The matter is remanded to the trial court with directions to select and impose a term of imprisonment for the enhancement under section 12022, subdivision (c), to stay execution of said term in accordance with defendant's plea agreement and to prepare and forward to the Department of Corrections an amended abstract of judgment. In all other respects, the judgment is affirmed.
DAVIS, J.
We concur: Sims, Acting P.J.
Nicholson, J.
- C041525 THE PEOPLE v. DUREN (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: Nicholson, J.
Hull, J.

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February 20, 2003, continued

Court recessed at 11:20 a.m., until 9:30 a.m., Friday, February 21, 2003.

- C040248 THE PEOPLE v. ORTIZ (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Davis, J.
Nicholson, J.
- C040273 THE PEOPLE v. RADFORD (Not for Publication)**
The judgment is affirmed.
KOLKEY, J.
We concur: Hull, Acting P.J.
Robie, J.
- C040534 THE PEOPLE v. ALVARADO (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Davis, J.
Nicholson, J.
- C041099 THE PEOPLE v. HOWARD (Not for Publication)**
Defendant's sentence is vacated, the true finding as to the allegation that defendant suffered a 1993 conviction for assault with a firearm is reversed, and the matter is remanded for a retrial as to that allegation. In all other respects, the judgment is affirmed.
ROBIE, J.
We concur: Sims, Acting P.J.
Morrison, J.
- C041667 THE PEOPLE v. WILLIAMS, JR. (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
Davis, J.
Nicholson, J.
- C041680 THE PEOPLE v. FARRINGTON (Not for Publication)**
The judgment is modified in the following respects: ...
...As modified, the judgment is affirmed.
The trial court shall prepare an amended abstract of judgment and shall send a certified copy of same to the California Department of Corrections.
SIMS, Acting P.J.
We concur: Davis, J.
Nicholson, J.

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- C038317 BROCKEY et al. v. MOORE (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Sims, Acting P.J.
 Davis, J.
- C041691 THOMPSON v. BROOKS (Not for Publication)**
The judgment is reversed. Thompson shall recover her costs on appeal.
(Cal. Rules of Court, rule 26(a).)
ROBIE, J.
We concur: Nicholson, Acting P.J.
 Hull, J.
- C041486 In re AHLECIA T. et al.; DEPARTMENT OF SOCIAL SERVICES
v. JAMIE T. (Not for Publication)**
The orders of the juvenile court are affirmed.
MORRISON, J.
We concur: Scotland, P.J.
 Raye, J.

February 21, 2003

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Davis, Associate Justice; Nicholson, Associate Justice; and Guzman, Bailiff. Calendar called.

- C038934 CROMWELL et al. v. STATE OF CALIFORNIA**
Cause called. Scott H. Wyckoff, Deputy Attorney General, argued for appellant. Paul D. Fogel argued and Peter J. Hinton appeared only for respondent. Cause submitted.

At 10:30 a.m., the court recessed until 9:30 a.m., Tuesday, February 25, 2003.

- C038890 THE PEOPLE v. ROBERTS (Not for Publication)**
The judgment is modified by striking the order to pay \$2,300 restitution for legal services. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of same to the Department of Corrections.
SIMS, Acting P.J.
We concur: Davis, J.
 Nicholson, J.

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- C040199 THE PEOPLE v. BACHMAN (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Nicholson, J.
Robie, J.
- C040574 THE PEOPLE v. STENMARK (Not for Publication)**
The judgment is modified...
The trial court shall send a certified copy of the amended abstract of judgment to the Department of Corrections.
BLEASE, Acting P.J.
We concur: Callahan, J.
Robie, J.
- C040538 BERRY v. BERRY (Not for Publication)**
C041377
The \$5,400 sanctions award (C040538) is affirmed. The \$4,000 sanctions award (C041377) is reversed with directions to the trial court to reconsider the actual amount of appellate expenses. We deem the Wife to be the prevailing party and order Husband to pay her costs on appeal. (Cal. Rules of Court, rule 27(a); *In re Marriage of Macfarlane & Lang* (1992) 8 Cal. App. 4th 247,258 [wife “essentially obtained” full relief on appeal].)
MORRISON, J.
We concur: Raye, Acting P.J.
Robie, J.
- C041373 In re MERLIN B. et al.; BUTTE COUNTY DEPARTMENT OF SOCIAL WELFARE v. BOBBIE B. (Not for Publication)**
The orders terminating the parental rights of appellant are affirmed.
CALLAHAN, J.
We concur: Blease, Acting P.J.
Morrison, J.
- C041317 In re CHARLES K.; DEPARTMENT OF SOCIAL SERVICES v. CLARK K. BY THE COURT:**
Appellant’s petition for rehearing is denied.
HULL, Acting P.J.